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Attorneys for Specially Appearing
 Defendants, BYRIDER FRANCHISING,
 INC. (erroneously sued and served as J.D.
 Byrider, Inc.), Grace Auto, Inc. dba J.D.
 Byrider (erroneously sued as JD Byrider of
 Chandler), and Grace Finance, Inc. dba
 CNAC (erroneously sued as CarNow
 Acceptance Company)

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JESSICA HARTUNG, an individual,

 Plaintiff,

 vs.

J.D. BYRIDER, INC.; JD BYRIDER
 OF CHANDLER; CARNOW
 ACCEPTANCE COMPANY; JOHN
 ANDERSON; and T-MOBILE USA,
 INC. and DOES 1 through 10 inclusive,

 Defendants.

CASE NO. C 08-01380 SC

**NOTICE OF WITHDRAWAL OF
 MOTION TO DISMISS FOR LACK
 OF PERSONAL JURISDICTION,
 OR IN THE ALTERNATIVE,
 TRANSFER VENUE, OR COMPEL
 ARBITRATION AND STAY
 PROCEEDINGS**

N.D. CAL. RULE 7-7(e)

[Stipulation and Proposed Order Filed
 Concurrently Herewith]

Assigned to Hon. Samuel Conti

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that specially-appearing defendants BYRIDER
 FRANCHISING, INC. (erroneously sued and served as J.D. BYRIDER, INC.), GRACE
 AUTO, INC. dba J.D. BYRIDER (erroneously sued and served as J.D. BYRIDER OF
 CHANDLER), and GRACE FINANCE, INC. dba CNAC (erroneously sued and served
 as CARNOW ACCEPTANCE COMPANY) (hereinafter, "Specially Appearing

Defendants") hereby withdraw their Motion to Dismiss for Lack of Personal Jurisdiction, or in the alternative Transfer Venue or Compel Arbitration and Stay Proceedings, which was set for hearing on July 25, 2008 at 10:00 a.m..

This motion is off-calendar because Plaintiff JESSICA HARTUNG ("Plaintiff") and the Specially Appearing Defendants have stipulated to dismiss GRACE AUTO, INC. without prejudice. Furthermore, the parties have stipulated to transfer this case to the United States District Court of California, Eastern District, Fresno Division. The Stipulation dismissing GRACE AUTO, INC. and transferring venue to the Eastern District is filed concurrently herewith.

PLEASE TAKE FURTHER NOTICE that the parties have agreed that the issue of whether Plaintiff may be compelled to arbitrate her claims has not been resolved and that the remaining Specially Appearing Defendants, BYRIDER FRANCHISING and GRACE FINANCE, are entitled to re-file or re-notice their Motion to Compel Arbitration, and that BYRIDER FRANCHISING and GRACE FINANCE's withdrawal of the instant Motion and execution of the Stipulation shall not constitute a waiver of their right to bring a Motion to Compel Arbitration and Stay Proceedings or be used as a basis for opposing any such motion brought by said defendants.

DATED: July 9, 2008

MURCHISON & CUMMING, LLP

By: 

Michael B. Lawler
Kasey C. Townsend
Anastasia K. Mazzella
Attorneys for Specially Appearing
Defendants, BYRIDER FRANCHISING,
INC. (erroneously sued and served as J.D.
Byrider, Inc.), Grace Auto, Inc. dba J.D.
Byrider (erroneously sued as JD Byrider of
Chandler), and Grace Finance, Inc. dba
CNAC (erroneously sued as CarNow
Acceptance Company)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 South Grand Avenue, 9th Floor, Los Angeles, California 90017-4613.

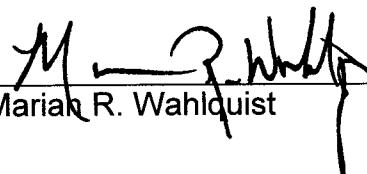
On July 9, 2008, I served true copies of the following document(s) described as **NOTICE OF WITHDRAWAL OF MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION, OR IN THE ALTERNATIVE, TRANSFER VENUE, OR COMPEL ARBITRATION AND STAY PROCEEDINGS** on the interested parties in this action as follows:

SEE ATTACHED LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address mwahlquist@murchisonlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 9, 2008, at Los Angeles, California.


Marian R. Wahlquist

SERVICE LIST

Jessica Hartung vs. JD Byrider, Inc., JD Byrider of Chandler, CarNow Acceptance Company, John Anderson and T-Mobile USA, et al,

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